

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: AMIR MICHAELI ET AL.

US Patent 7,627,870, issued December 1, 2009

Application No. 09/845,606, filed April 28, 2001

Confirmation No. 2587

Title: METHOD AND APPARATUS FOR A DATA STRUCTURE COMPRISING A
HIERARCHY OF QUEUES OR LINKED LIST DATA STRUCTURES

**REQUEST FOR CORRECTION OF PATENT TERM ADJUSTMENT (PTA) STATED
IN THE DECISION ON REQUEST FOR RECALCULATION OF PTA IN VIEW OF WYETH...**

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request the office reconsider its determination of the PTA. Applicants in the most part agree with the Office's calculation. However, there appears that there was a USPTO clerical error in the entering of an amendment filed by Applicants on March 29, 2007, as the Office apparently considers it filed one day earlier for purposes of PTA. Therefore, Applicants delay should be increased by one day, reducing the PTA to be 1269 days. Applicants respectfully request the Office correct the PTA to be 1269 days in the Certificate of Correction that the Office has stated that it intends to issue for the above-referenced issued patent.

The following is presented in list format to supplement the previous discussion. The Decision on Request for Recalculation of PTA in View of Wyeth... states that Applicants should include in this request the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(3).

(1) Applicants have paid the fee required by 37 CFR 1.18(3) via EFS-Web contemporaneously with the submission of this paper.

(2) Applicants believe the correct PTA is at least 1269 days, and request the Office correct the determined PTA.

- a) Applicants do not dispute the Office's determination of the PTA of 602 and 872 days due to Office delays as shown in PAIR.
- b) Applicants do believe there is an error in the Office's determination of reduction of the PTA, as Applicants calculate it to be one additional delay, or a total Applicant delay of 205 days. On the PTA calculation sheets of PAIR, there is an error in the date a response was filed with the USPTO, as it was filed on 03-29-2007 (not 03-28-2007). Applicants noticed that the Office has a fee calculation sheet entry on 03-28-2007 (instead of 03-29-2007) which might be the source of the problem.
- c) Therefore, Applicants submit that the PTA delay should be $602+872-205=1269$.
- d) Finally for completeness, Applicants further request, if any, additional PTA accrued pursuant to § 1.702(a)(4) and/or 1.702(b), or any other source.

Additionally, Applicants are including on the following three pages of this submission:

1. a marked-up copy of the PTA printout from PAIR, which may help the Office understand Applicants' request presented herein;
2. a marked-up page from the PAIR transaction history of this application; and
3. a copy of the first page of the paper filed on 03-29-2007 (downloaded from PAIR) illustrating that it was certified as both being sent by Applicants and received by the USPTO on 03-29-2007 (not 03-28-2007).

In re AMIR MICHAELI, JR. ET AL., US Patent 7,627,870
Request For Correction of PTA

DOWNLOADED FROM PAIR 05-07-2010, and Annotated

Page 2 of 3

10-22-2007	Request for Extension of Time - Granted	
06-21-2007	Mail Non-Final Rejection	
06-19-2007	Non-Final Rejection	
04-11-2007	Date Forwarded to Examiner	
03-28-2007	Response after Non-Final Action	29 ↑
03-28-2007	Request for Extension of Time - Granted	28 ↑
11-29-2006	Mail Non-Final Rejection	↑
11-27-2006	Non-Final Rejection	↑
09-22-2006	Date Forwarded to Examiner	
09-22-2006	Date Forwarded to Examiner	
09-18-2006	Request for Continued Examination (RCE)	33
09-22-2006	Disposal for a RCE / CPA / R129	↑
09-18-2006	Request for Extension of Time - Granted	↑
09-18-2006	Workflow - Request for RCE - Begin	↑
08-09-2006	Mail Advisory Action (PTOL - 303)	↑
08-07-2006	Advisory Action (PTOL-303)	↑
07-26-2006	Date Forwarded to Examiner	↑
07-17-2006	Amendment after Final Rejection	↑
05-16-2006	Mail Final Rejection (PTOL - 326)	↑
05-15-2006	Final Rejection	
03-06-2006	Date Forwarded to Examiner	
02-28-2006	Response after Non-Final Action	28
02-28-2006	Request for Extension of Time - Granted	↑
10-31-2005	Mail Non-Final Rejection	↑
10-28-2005	Non-Final Rejection	
10-26-2005	Date Forwarded to Examiner	
11-23-2004	Response after Non-Final Action	
03-22-2005	Case Docketed to Examiner in GAU	
08-24-2004	Mail Non-Final Rejection	
08-23-2004	Non-Final Rejection	
08-02-2004	Case Docketed to Examiner in GAU	
06-22-2004	Date Forwarded to Examiner	
05-20-2004	Response after Non-Final Action	
06-22-2004	IFW TSS Processing by Tech Center Complete	
05-20-2004	Workflow incoming amendment IFW	
02-20-2004	Mail Non-Final Rejection	602
02-19-2004	Non-Final Rejection	↑
10-03-2003	Case Docketed to Examiner in GAU	↑
07-03-2003	Case Docketed to Examiner in GAU	↑
02-25-2003	Case Docketed to Examiner in GAU	↑
08-31-2002	Case Docketed to Examiner in GAU	↑

https://portal.uspto.gov/secure/PA_PeaiPair/PAIRPrintServlet

5/7/2010

In re AMIR MICHAELI, JR. ET AL., US Patent 7,627,870
Request For Correction of PTA

DOWNLOADED FROM PAIR 05-07-2010, and Annotated

Page 2 of 4

12-20-2007	CTFR	Final Rejection	PROSECUTION	22
12-20-2007	FWCLM	Index of Claims	PROSECUTION	2
12-20-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
12-17-2007	SRNT	Examiner's search strategy and results	PROSECUTION	2
10-22-2007	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
10-22-2007	CLM	Claims	PROSECUTION	6
10-22-2007	136A	Authorization for Extension of Time all replies	PROSECUTION	6
10-22-2007	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	6
10-22-2007	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
10-22-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	2
10-22-2007	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
06-21-2007	CTNF	Non-Final Rejection	PROSECUTION	23
06-21-2007	FWCLM	Index of Claims	PROSECUTION	2
06-21-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
06-12-2007	SRNT	Examiner's search strategy and results	PROSECUTION	2
03-29-2007	A	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	2
03-29-2007	CLM	Claims	PROSECUTION	7
03-29-2007	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	5
03-28-2007	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
11-29-2006	CTNF	Non-Final Rejection	PROSECUTION	23
11-29-2006	NFDR	Notice of Formal Drawings Required	PROSECUTION	1
11-29-2006	892	List of references cited by examiner	PRIOR ART	1
11-29-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
11-29-2006	FWCLM	Index of Claims	PROSECUTION	1
11-26-2006	SRNT	Examiner's search strategy and results	PROSECUTION	2
11-22-2006	SRNT	Examiner's search strategy and results	PROSECUTION	2
09-18-2006	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
09-18-2006	CLM	Claims	PROSECUTION	8
09-18-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
09-18-2006	XT/	Extension of Time	PROSECUTION	1
09-18-2006	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
08-09-2006	CTAV	Advisory Action (PTOL-303)	PROSECUTION	3
08-09-2006	ANE I	Amendment After Final or under 37CFR 1.312, initialed by the examiner.	PROSECUTION	1
07-17-2006	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1
07-17-2006	CLM	Claims	PROSECUTION	1
07-17-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
05-16-2006	CTFR	Final Rejection	PROSECUTION	9
05-16-2006	FWCLM	Index of Claims	PROSECUTION	1
05-16-2006	SRFW	Search information including classification, databases and other	PROSECUTION	1

https://portal.uspto.gov/secure/PA_PeaiPair/PAIRPrintServlet

5/7/2010

In re AMIR MICHAELI, JR. ET AL., US Patent 7,627,870
Request For Correction of PTA

DOWNLOADED FROM PAIR 05-07-2010

03/29/2007 10:05 FAX 303 778 0748	Kirk D Williams	→ USPTO CentralFax 003/015
-----------------------------------	-----------------	----------------------------

RECEIVED CENTRAL FAX CENTER MAR 29 2007	PATENT Attorney Docket No. 63131
--	--

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
MICHAELI ET AL.
Application No. 09/845,606
Confirmation No. 2587
Filing Date April 28, 2001
For: METHOD AND APPARATUS FOR A
DATA STRUCTURE COMPRISING A
HIERARCHY OF QUEUES OR LINKED
LIST DATA STRUCTURES

Group Art Unit: 2194
Examiner: ZHEN, LI B

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1150, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, 571-273-8500 on March 29, 2007.

[Signature]
Kirk D. Williams, Esq. *March 29, 2007*

AMENDMENT F

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

The Office action dated November 29, 2006, and the references cited have been fully considered. In response, please enter the amendment to correct a typographical error and consider the following remarks presented herein. Reconsideration and/or further prosecution of the application is respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.

03/29/2007 TL0111	00000100 09845606
01 FC11251	120.00 OP

1

PAGE 3/15 * RCVD AT 3/29/2007 12:04:47 PM (Eastern Daylight Time) * SVR:USPTO-EPXRP-5/11 * DMS:2738300 * CSID:303 778 0748 * DURATION (min-ss):03-32

In re AMIR MICHAELI, JR. ET AL., US Patent 7,627,870
Request For Correction of PTA

Applicant believes no additional fees are due with this paper beyond the payment of the fees via EFS-Web, but authorizes the Commissioner to charge any fees due with this communication, or credit any amount being refunded, to Deposit Account No. 501430.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: May 7, 2010

By

A handwritten signature in black ink, appearing to read 'K D Williams', written over a horizontal line.

Kirk D. Williams, Reg. No. 42,229
One of the Attorneys for Applicant
The Law Office of Kirk D. Williams
(USPTO Customer Number 26327)
PO Box 61538, Denver, CO 80206-8538
303-282-0151 (telephone), 303-778-0748 (facsimile)